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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,952	04/24/2006	Toru Kawaguchi	P29804	6004
52123 7590 06/15/2011 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER PEARSON, DAVID J	
			ART UNIT	PAPER NUMBER
			2438	
			NOTIFICATION DATE	DELIVERY MODE
			06/15/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/576,952	Applicant(s) KAWAGUCHI ET AL.	
	Examiner DAVID PEARSON	Art Unit 2438	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-30 and 35-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-30 and 35-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03162011</u> . | 6) <input type="checkbox"/> Other: _____ |

1. Claims 38-39 have been amended. Claims 27-30 and 35-41 have been examined.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/12/2011 has been entered.

Response to Arguments

3. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 03/16/2011 was filed after the mailing date of the final Office action on 11/18/2010. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

6. Claims 27-30 and 35-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nonaka et al. (U.S. Patent Application Publication 2003/0046238; hereafter "Nonaka"), and further in view of Wang (U.S. Patent Application Publication 2002/0191950) and further in view of England et al. (U.S. Patent Application Publication 2002/0006204; hereafter "England").

For claims 38 and 39, Nonaka teaches a content playback control method and terminal comprising:

- storing in a memory, information describing:
 - a content key (note paragraphs [0457]-[0463]);
 - decoding encrypted content using the content key **to generate decoded content**, only when the usage condition is met (note paragraphs [0515]-[0520]);
 - a license information processor that passes the content key to the content decoder, only when the usage condition is met (note paragraphs [0515]-[0520]).

Nonaka differs from the claimed invention in that they fail to teach:

a usage condition;

special sections subject to a restriction of a special playback of content;

a playback mode permitted in each of the special sections; and

the usage condition **specifying** whether or not a playback is performed **with respect to** the special sections and the playback mode;

determining, when the usage condition specifies **the special sections of the decoded content described in the information stored in the memory** whether the special sections **of the decoded content described in the information stored in the memory** include a point at which the **instructed** special playback is performed; and

controlling the instructed special playback for the decoded content, when the special sections include the point at which the instructed special playback is performed, and when the usage condition specifies that the playback is performed based on the playback mode **described in the information stored in the memory**, and a playback mode of the instructed special playback corresponds to one of the playback mode described in the information stored in the memory.

Wang teaches:

a **usage condition** (note paragraphs [0026] and [0033]);

special sections subject to a restriction of a special playback of content (note paragraph [0025]);

a playback mode permitted in each of the special sections (note paragraph [0026]); and

the usage condition **specifying** whether or not **a** playback is performed **with respect to** the special sections and the playback mode (note paragraphs [0026] and [0033]);

determining, when the usage condition specifies **the special sections of the decoded content described in the information stored in the memory** whether the special sections **of the decoded content described in the information stored in the memory** include a point at which the **instructed** special playback is performed (note paragraphs [0027]-[0030]); and

controlling the instructed special playback for the decoded content, when the special sections include the point at which the instructed special playback is performed, and when the usage condition specifies that the playback is performed based on the playback mode **described in the information stored in the memory**, and a playback mode of the instructed special playback corresponds to one of the playback mode described in the information stored in the memory (note paragraphs [0027]-[0030]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the content encryption of Nonaka and the section playback control of Wang. One of ordinary skill would have been motivated to combine Nonaka and Wang because it would prevent manual or automated skipping of commercials during video playback, which would otherwise negatively affect TV content providers revenue (note paragraphs [0003] and [0022] of Wang).

The combination of Nonaka and Wang differs from the claimed invention in that they fail to teach:

an electronic signature assigned to at least one of the special sections and the playback mode;

checking a validity of the least one of the special sections and the playback mode to which the electronic signature is assigned, when an instructed special playback of the decoded content is performed;

determining, when **the at least one of the special sections and the playback mode to which the electronic signature is assigned is valid** playback is performed.

England teaches:

an electronic signature assigned to at least one of the special sections and the playback mode (note paragraphs [0145]-[0150]);

checking a validity of the least one of the special sections and the playback mode to which the electronic signature is assigned, when an instructed special playback of the decoded content is performed (note paragraph [0120]);

determining, when **the at least one of the special sections and the playback mode to which the electronic signature is assigned is valid** playback is performed (note paragraphs [0120]-[0121]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the combination of Nonaka and Wang and the rights license

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signature of England to form a combination that teaches a signature (England) of the special sections and usage conditions (Wang). One of ordinary skill in the art would have been motivated to combine Nonaka, Wang and England because it would ensure the usage conditions are valid and have not been modified (note paragraph [0120] of England).

For claims 27 and 35, the combination of Nonaka, Wang and England teaches claims 38 and 39, wherein the special playback comprises at least one of forward, rewind, skip and jump (note paragraph [0026] of Wang).

For claims 28 and 36, the combination of Nonaka, Wang and England teaches claims 38 and 39, wherein the restriction of the special playback is described by a possibility or impossibility code (note paragraph [0026] of Wang).

For claims 29 and 37, the combination of Nonaka, Wang and England teaches claims 38 and 39, wherein each of the special sections is described on a per-segment basis (note paragraph [0025] of Wang).

For claim 30, the combination of Nonaka, Wang and England teaches claim 38, wherein the information stored in the memory includes license information that manages the content key and the usage condition as a pair (note paragraph [0236] of Nonaka).

For claims 40 and 41, the combination of Nonaka, Wang and England teaches claims 38 and 39, wherein the usage condition is protection from unauthorized duplication or tampering by using DRM technology (note paragraphs [0070] of Wang and [0459]-[0462] of Nonaka).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID PEARSON whose telephone number is (571)272-0711. The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm; off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Taghi Arani can be reached on (571) 272-3738. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David J Pearson/
Primary Examiner, Art Unit 2438